

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

**LUZERNE COUNTY and :
1900 Capital Trust II, by :
U.S. Bank Trust National Assoc., :**

Plaintiffs : CIVIL ACTION NO. 3:21-2005

**v. :
(JUDGE MANNION)**

**ANTONELLO BOLDRINI, and :
DANIELE A. BOLDRINI, :**

Defendants :

O R D E R

This case was originally filed as two separate actions, one brought by plaintiff Luzerne County, and one brought by plaintiff 1900 Capital Trust II, by U.S. Bank Trust National Association, (“Capital Trust”), in the Court of Common Pleas of Luzerne County against the two Boldrini defendants. Both actions arose from a judgment entered against Boldrinis in a mortgage foreclosure case and the sale of their real property pursuant to a Sheriff’s Sale that was subjected to the mortgage held by Capital Trust.

On April 13, 2022, the court issued an Order, (Doc. 79), remanding this case to state court since it was filed by Boldrinis in federal court without prior authorization in violation Judge Mariani’s December 9, 2019 Order issued in *1900 Capital Trust II by U.S. Bank Trust Nat'l Ass'n v. Boldrini*,

No. 3:19-cv-01576 (M.D. Pa. Dec. 9, 2019), (Doc. 122). The court also dismissed as moot all of the other pending matters filed in this case, namely, (Docs. 4, 14, 17, 19, 57, 58, 67, 68, 72 & 78), and directed the clerk of court to close this case. Included with the motions which the court dismissed were Boldrinis' motions, (Doc. 78), to stay the order of this court granting Boldrinis an extension of time to file objections to Judge Mehalchick's report and recommendation pending resolution of their motion, (Doc. 72), and to reinstate their appeal of a magistrate judge's decision, (Doc. 61).

On April 15, 2022, Boldrinis filed a "Motion to Stay the Order to Answer to R&R Pending the Appeal." (Doc. 80). The filing was docketed as a "Motion." However, Boldrinis state that their filing is actually their brief in support of their Doc. 78 motion regarding their request to stay the time period to object to Judge Mehalchick's report pending their March 7, 2022 appeal, (Doc. 73), of Judge Mehalchick's January 10, 2022 Order, (Doc. 36), which they filed with the Third Circuit on March 15, 2022, (Doc. 77). Judge Mehalchick's January 10, 2022 Order granted the plaintiffs' motion to stay the proceedings in this case until the court decided their motions to remand this case back to state court.

Accordingly, the clerk of court is directed to correct the docket to reflect that Boldrinis' Doc. 80 filing is a brief in support of their Doc. 78 motion for a stay, as opposed to a "Motion to Stay" as it is currently docketed. Since Boldrinis' Doc. 78 motion for a stay was already dismissed as moot by the court after the court remanded this case to state court, no further action on this motion is required.

This case has now been remanded to state court and it shall remain **CLOSED**.

s/J Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

DATED: April 22, 2022

21-2005-03